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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,716	02/13/2002	Richard L. Biller	300 P002	6778

7590 09/28/2004

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EXAMINER

GEHMAN, BRYON P

ART UNIT PAPER NUMBER

3728

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/074,716	<b>Applicant(s)</b> BILLER, RICHARD L.	
	<b>Examiner</b> Bryon P. Gehman	<b>Art Unit</b> 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above claim(s) 7-12, 22-25, 37-42, 48-52 and 55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 13-21, 26-36, 43-47, 53-54 and 56-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/12/04</u> . | 6) <input type="checkbox"/> Other: _____  |

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1. Claim 32 is objected to because of the following informalities: The letters are spaced peculiarly, rendering the claim indefinite as presently written. Appropriate correction is required.

2. Claim 32 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The spacing within the claim renders the language indefinite.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5-6, 13-15, 17-18, 29-31 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Malone (6,640,974) in view of Hinkle (5,735,550). Malone discloses a card package assembly comprising a carrier (28), a card (56) having account-related indicia thereon (its magnetic strip), the back surface of the card adhered to the front surface of the carrier. Hinkle discloses indicia (20) on a card concealed by a scratch-off material layer (22). To modify Malone employing the scratch-off material layer teaching of Hinkle would have been obvious in order to prevent illicit use of the card, as suggested by Hinkle.

As to claims 2-3 and 14-15, dry release adhesive (58) is employed broadly as claimed.

As to claims 5 and 17, a display hole (34, 36) is disclosed by Malone.

5. Claims 29-31, 36 and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egan (4,544,590) in view of Hinkle. Egan discloses a card package assembly comprising a carrier (52), a card (57) having account-related indicia thereon, the back surface of the card adhered to the front surface of the carrier. Hinkle discloses indicia (20) on a card concealed by a scratch-off material layer (22). To modify Egan employing the scratch-off material layer teaching of Hinkle would have been obvious in order to prevent illicit use of the card, as suggested by Hinkle.

As to claims 30-31 and 57, dry release adhesive (58) is employed broadly as claimed.

6. Claim 35 is rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims above, and further in view of Malone. To employ a display hole as suggested by Malone would have been obvious in order to render the carrier displayable on a post.

7. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 13 above, and further in view of Klure (6,328,341). Klure discloses a card (12a) with an exposable back surface (via 18). To modify the prior art

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further employing the exposable back surface arrangement of Klure would have been obvious in order to easily obtain information from both sides of the card.

8. Claims 4, 16, 26-28, 32-34, 43-47 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1, 13 and 29 above, and further in view of Grotzner et al. (6,358,607). Disclosed is a card assembly including information (2) disposed so as to be visible through a transparent layer (3). To further modify the assembly of the prior art employing the teaching of Grotzner et al. would have been obvious in order to protect the information from ambient damage if it were not covered.
9. Applicant's election without traverse of Group I, Species I in the reply filed on April 9, 2004 is acknowledged.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (703) 605-1174. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (703) 308-2672. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman". The signature is fluid and cursive, with the first name "Bryon" being more prominent than the last name "Gehman".

Bryon P. Gehman  
Primary Examiner  
Art Unit 3728

BPG